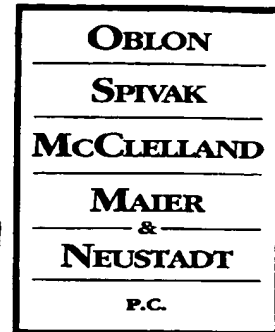


REFUND COMPLETED  
PCT NATIONAL DIVISION

MAR 16 11:13:34

March 16, 2005

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PCT NATIONAL DIVISION



UNITED STATES PATENT AND TRADEMARK OFFICE  
Box 16  
Washington, DC 20231

Attn: Frank Lebron  
Refund Department

ATTORNEYS AT LAW  
KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2005. Please review the highlighted charge on Serial Number 10/524,486 in the amount of \$100.00 on fee code #1617.

Since the declaration surcharge was paid for at the time the application was filed (which is \$130.00 not \$100.00), the charge on our deposit account is most likely for additional monies concerning the search fee which was recently decreased from \$500.00 to \$400.00.

In accordance with the rule change of February 1, 2005, Title 37 CFR Part 1, Section 1.492 (copy attached), "the search fee for an international application entering the national stage ... is \$400.00 ..." Therefore the \$400.00 search fee (not the old fee of \$500.00) is correct and a refund should be issued for the extra \$100.00 charged on our deposit account.

Please review this application and kindly refund \$100.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Debra J. Noel*

Debra J. Noel  
Accounting Department

Adjustment date: 04/28/2005 RWHITE1  
12/23/2005 GFREY1 00000055 10524486  
-500.00 0P

04/28/2005 RWHITE1 00000007 10524486  
01 FC:1642 400.00 0P

Enclosures

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Credit Card Type: <input checked="" type="checkbox"/> American Express	
Credit Card Account #: 3787-350712-61007	
Credit Card Expiration Date: December 31, 2005	
Name as it Appears on Credit Card: Prue, LaYonda P.	
Payment Amount: \$(US Dollars): 1,280.00	
Signature:	Date: February 14, 2005
<b>Credit Card Billing Address</b>	
Street Address 1: Oblon, Spivak, McClelland, Maier & Neustadt, P.C.	
Street Address 2: 1940 Duke Street	
City: Alexandria	
State: Virginia	Zip/Postal Code: 22314
Country: U.S.A.	
Daytime Phone #: (703) 413-3000 Accounting Dept.	Fax #: (703) 413-2220
<b>Request and Payment Information</b>	
Description of Request and Payment Information: New U.S. PCT Application	
Application No.:	
Patent/Registration No.:	
Docket No.: 264821US	

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**Deposit Account Statement**

Requested Statement Month: February 2005  
 Deposit Account Number: 150030  
 Name: NORMAN F. OBLON  
 Attention:  
 Address: 1940 DUKE STREET  
 City: ALEXANDRIA  
 State: VA  
 Zip: 22314

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	78	10503936	256748US6PCT	1201	\$2,000.00	\$16,574.71
02/01	79	10503936	256748US6PCT	1202	\$350.00	\$16,224.71
02/01	192	10880101	254622WO/TEP/FF	8007	\$20.00	\$16,204.71
02/01	245	60584469	255455US/KQU	8007	\$60.00	\$16,144.71
02/01	342	60538457	248191USUS/KQU	8007	\$20.00	\$16,124.71
02/01	343	60559950	251700US/KQU	8007	\$20.00	\$16,104.71
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02/02	6	10940012	258658US25CONT	1202	\$200.00	\$15,724.71
02/02	262	60573420	253699US/KQU	8007	\$40.00	\$15,684.71
02/03	85	10760499	247798US2SX CONT	1201	\$200.00	\$15,484.71
02/04	10	09836470	205801USDIV	1202	\$500.00	\$14,984.71
02/04	34	11045337	265332US90	1202	\$1,100.00	\$13,884.71
02/04	82	10498357	254769US6PCT	1617	\$130.00	\$13,754.71
02/04	167	10764467	245417US/KQU	8007	\$20.00	\$13,734.71
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02/08	136	10408218	236211US30/JEM	1251	\$120.00	\$33,119.71
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02/17 340	10524143	264612US0XPCT	1615	\$100.00	\$24,647.71
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02/17 363	10524039	264733US0PCT	1633	\$100.00	\$24,447.71
02/17 365	10524145	264624US0XPCT	1615	\$100.00	\$24,347.71
02/17 372	10524037	264681US0XPCT	1633	\$100.00	\$24,247.71
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02/18 2	10504855	258091US3PCT	1617	-\$130.00	\$25,247.71
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02/18 164	11058673	266049US2	1202	\$150.00	\$24,967.71
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02/18 292	10523842	265678US0PCT	1616	\$100.00	\$24,767.71
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02/18 433	10524207	265434USOPCT	1615	\$100.00	\$24,567.71
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02/22 4	10901264	251752US0CONT	1806	-\$180.00	\$24,467.71
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02/22 6	29161289	223525USDES	1453	\$440.00	\$24,207.71
02/22 7	10111379	221997US3PCT	1806	-\$180.00	\$24,387.71
02/22 35	11006643	262982US0	1081	\$250.00	\$24,137.71
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02/22 87	09273197	500.7140US1235144	1801	\$790.00	\$23,107.71
02/22 88	09273197	500.7140US1235144	1255	\$2,160.00	\$20,947.71
02/22 139	10524212	265469US3PCT	1633	\$100.00	\$20,847.71
02/22 144	10832436	252229US3DIV	1814	\$20.00	\$20,827.71
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02/22 176	10524371	265330US6XPCT	1633	\$100.00	\$20,687.71
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02/23 27	10933335	258378US2	1202	\$50.00	\$20,287.71
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02/23 248	10524215	265769US26PCT	1633	\$100.00	\$19,967.71
02/23 252	10524216	265070US0PCT	1633	\$100.00	\$19,867.71
02/23 398	10524757	265980USOPCT	1616	\$100.00	\$19,767.71
02/24 63	60565842	252514US/KQU	8007	\$20.00	\$19,747.71
02/24 123	10524669	265287US0X PCT	1615	\$100.00	\$19,647.71
02/24 129	10524670	265898US3PCT	1616	\$100.00	\$19,547.71
02/24 134	10524671	265380US6PCT	1617	\$100.00	\$19,447.71
02/24 145	10524665	265368US0XPCT	1615	\$100.00	\$19,347.71
02/24 152	10524666	265792US0PCT	1616	\$100.00	\$19,247.71

Due Date February 20,  
2005

OSMM&N File No. 264821US0PCT

By NFO/lpp/FF

Serial No. New U.S. PCT Application based on PCT/EP03/09219

In the matter of the Application of Stefan LAUFER, et al.

For 2-THIO-SUBSTITUTED IMIDAZOLE DERIVATIVES AND THEIR USE IN PHARMACY

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 106 pgs. Specification 15 Claims (English Translation) pgs. Sequence Listing
- Application Data Sheet
- Notice of Priority
- Dep. Acct. Order Form
- Credit Card Payment Form for \$1,280.00
- PCT Transmittal Letter
- Preliminary Amendment
- PCT/IB/304
- PCT/IB/308
- International Search Report
- Request for Consideration of Documents Cited in International Search Report

SERIAL NO. \_\_\_\_\_

DATE RECEIVED \_\_\_\_\_



applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all of the claims presented in the application entering the national stage; and (2) the examination fee for an international application entering the national stage under 35 U.S.C. 371 is \$200.00 (\$100.00 for a small entity) in all other situations.

**Section 1.496:** Section 1.496 is amended to revise its references to § 1.492 to reflect the changes in § 1.492.

#### Rule Making Considerations

**Administrative Procedure Act:** Pursuant to its authority under 35 U.S.C. 376(b), the Office has reduced the patent fees set forth in § 1.492 to less than the amount specified in 35 U.S.C. 41. Existing rights and obligations are not otherwise changed. The Office has good cause to implement this fee reduction without prior notice and comment. It is in the public interest to immediately implement the reduced search and examination fees because delay in the adoption of these fee reductions would cause harm to those applicants who currently meet the conditions for entitlement to a fee reduction. Without immediate implementation, applicants who are currently filing search and examination fees in order to avoid abandonment of their applications will be unnecessarily paying higher search and examination fees. The Office believes the public wants these new reduced fees to become effective as soon as possible as the public should benefit from the efficiencies and savings resulting therefrom. In addition, the Office believes that prior notice and comment is unnecessary because it does not expect the public to object to the reduction of search and examination fees. Moreover, the Office does not believe the public needs time to conform its conduct so as to avoid violation of these regulations. In order to give the public the immediate benefit of the Office's decision to reduce specified search and examination fees, the Office finds, pursuant to the authority provided at 5 U.S.C. 553(b)(B), good cause to adopt this change without prior notice and an opportunity for public comment, as such procedures are contrary to the public interest. See *Nat. Customs Brokers & Forwarders Ass'n v. U.S.*, 59 F.3d 1219, 1223-24 (Fed. Cir. 1995).

Nothing in this or any other law requires delayed implementation of the fee reductions. 35 U.S.C. 41(g) provides that: "[n]o fee established by the Director under [35 U.S.C. 41] shall take effect until at least 30 days after notice of the fee has been published in the

**Federal Register and in the Official Gazette of the Patent and Trademark Office."** Since the reduced search fees and examination fees specified in §§ 1.492(b) and (c) are established by the Office on the basis of the Office's authority under 35 U.S.C. 376(b) (rather than the authority in 35 U.S.C. 41), the thirty-day advance publication requirement of 35 U.S.C. 41(g) does not apply to the reduced search fees and examination fees specified in § 1.492(b) and (c).

Accordingly, the changes in this interim rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d) or 35 U.S.C. 41(g).

**Regulatory Flexibility Act:** As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are required. See 5 U.S.C. 603.

**Executive Order 13132:** This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

**Executive Order 12866:** This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

**Paperwork Reduction Act:** This interim rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under the following control number: 0651-0021. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under this OMB control number.

Interested persons are requested to send comments regarding this information collection, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503,

Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

#### List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

#### PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.492 is amended by revising paragraphs (b) and (c) to read as follows:

#### § 1.492 National stage fees.

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If the search fee as set forth in §§ 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a)) .....	\$50.00
By other than a small entity .....	\$100.00

(2) If an international search report on the international application has been prepared and is provided to the Office no later than the time at which the search fee is paid:

By a small entity (§ 1.27(a)) .....	\$200.00
By other than a small entity .....	\$400.00

(3) In all situations not provided for in paragraphs (b)(1) or (b)(2) of this section:

By a small entity (§ 1.27(a)) .....	\$250.00
By other than a small entity .....	\$500.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority states that the

## TRANSMITTAL LETTER TO THE UNITED STATES

264821US0PCT

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/EP03/09219INTERNATIONAL FILING DATE  
20 August 2003PRIORITY DATE CLAIMED  
20 August 2002

## TITLE OF INVENTION

2-THIO-SUBSTITUTED IMIDAZOLE DERIVATIVES AND THEIR USE IN PHARMACY

## APPLICANT(S) FOR DO/EO/US

Stefan LAUFER, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Application Data Sheet/Notice of Priority/Request for Consideration/PCT/IB/304/PCT/IB/308

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/09219</b>		ATTORNEY'S DOCKET NUMBER <b>264821US0PCT</b>	
24. The following fees are submitted:				Applicant use	Office use
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00				\$	\$300.00
<input checked="" type="checkbox"/> b) Examination fee ..... \$200.00				\$	\$200.00
<input checked="" type="checkbox"/> c) Search fee ..... \$500.00				\$	\$400.00
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				\$	\$900.00
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
106 - 100 =	6 /50 =	1	x \$250.00	\$	\$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	14 - 20 =	0	x \$50.00	\$	\$0.00
Independent claims	1 - 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (If applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	\$1,280.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
<b>SUBTOTAL =</b>				\$	\$1,280.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
<b>TOTAL NATIONAL FEE =</b>				\$	\$1,280.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	\$1,280.00
Amount to be refunded:					\$
Amount to be charged:					\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p>					
CUSTOMER NUMBER <b>22850</b>			SIGNATURE		
			Norman F. Oblon		
			NAME		
			24,618		
			REGISTRATION NUMBER		



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